

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE,)	
)	
v.)	ID#: 0711003670 & 0712004216
)	
LEKEVIS WILLIAMS,)	IN-08-02-1189R1, 2167R1,
Defendant.)	IN-07-11-0853R1, 0855R1,
)	0856R1, 0858R1, 0860R1,
)	0862R1, 2274R1, 2276R1
)	2278R1

**Upon Defendant’s Second Motion for Postconviction Relief –
*SUMMARILY DISMISSED***

1. On November 4, 2010, Defendant’s second motion for postconviction relief was received in chambers. After preliminarily review, the motion is very similar to the first motion for postconviction relief, filed on July 6, 2009 and summarily dismissed on October 26, 2009.

2. Williams was the confessed, “getaway” driver for a string of armed robberies. Accordingly, along with re-presentation of his original claims, e.g. “coerced confession,” and so on, Williams now invokes *Allen v. State*.¹

3. All of Williams’s claims, including the *Allen* claim, are

¹ 970 A.2d 203 (Del. 2009).

procedurally defaulted. Among other reasons, Williams pleaded guilty and his plea included repeated admissions of actual guilt. Review of Williams's claims is not justified in the interest of justice for the reasons set out in the order dismissing the first motion for postconviction relief, and as discussed next.

4. The late-filed *Allen* claim does not implicate the interest of justice exception to the procedural bars because, beyond Defendant's guilty plea and admissions, police reports indicate that Williams confessed that his co-defendant "did use a small handgun on each of the above robberies, and the handle was white in color." So, Williams probably knew he was an accomplice to armed robberies. Even now, Williams does not deny it. Moreover, it appears from the police reports that Williams was inside during at least one of the robberies where his co-defendant openly used a handgun.

5. Finally, as to the interest of justice, and as mentioned in the prior denial of postconviction relief, Defendant would have fared worse had he gone to trial. That is true, even if the jury had been charged on Robbery in the second degree and if it had found him guilty of the lesser included offense. Instead of having been convicted of two first degree robberies and two second degree robberies, plus related conspiracies, Defendant would have been convicted of six second degree robberies and the related conspiracies. Thus, his sentence would have been as bad, or worse

than the one he received through his plea agreement. And, again, that finding rests on the highly improbable assumption that Williams would not have been found guilty of everything, as charged, including not only the robberies and conspiracies, but also the related weapons offenses.

6. It plainly appears from the second motion for postconviction relief and the record of prior proceedings, including the denial of the first motion, that Defendant is not entitled to relief.

Accordingly, Defendant's second motion for postconviction relief is **SUMMARILY DISMISSED**. The Prothonotary shall notify Defendant.

IT IS SO ORDERED.

Date: February 21, 2011

/s/ Fred S. Silverman

Judge

oc: Prothonotary
pc: John Barber, Deputy Attorney General
Lekevis Williams, Defendant